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MARSHALL, GERSTEIN & BORUN LLP 6300 SEARS TOWER 233 S. WACKER DRIVE CHICAGO, IL 60606			HAWKINS, CHERYL N	
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			1734	

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/663,073	MARSCHAND, BRET R.
	Examiner Cheryl N Hawkins	Art Unit 1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) 1 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 May 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/02/04.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities: “a first side edge” should be changed to --a first side edge,--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 6, 13, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Huthmacher (US 6,729,377). As to Claim 1, Huthmacher discloses an applicator tip (Figure 7, application member 8) adapted to be disposed in a housing (Figure 1, housing 5) of a corrective tape dispenser, the applicator tip comprising a platform (Figure 7, spatula 8d) with a front edge, a rear edge, a first side edge, a second side edge, a top surface and a bottom surface, wherein the top surface, bottom surface and front edge are adapted to support a carrier ribbon (Figure 1, backing tape 3); a first curved wall (Figure 7, flange segment 8g1) extending up from a portion of the first side edge of the platform and curving substantially over the platform; and a second

curved wall (Figure 7, flange segment 8g2) extending up from a portion of the second side edge of the platform and curving substantially over the platform.

As to Claim 2, Huthmacher discloses an applicator tip wherein the applicator tip includes means for allowing rotation of the platform within the housing (column 7, lines 30-38).

As to Claim 3, Huthmacher discloses an applicator tip wherein the first curved wall tangent to a plane that is perpendicular to the platform and intersects the first side edge (Figure 7, flange segments 8g1 and 8g2).

As to Claim 4, Huthmacher discloses an applicator tip wherein the first curved wall and the second curved wall form a portion of a cylinder (Figure 7, flange segments 8g1 and 8g2).

As to Claim 6, Huthmacher discloses an applicator tip (Figure 6, application member 8) wherein the applicator tip includes posts (Figure 6, flange segments 8g1 and 8g2) extending laterally from the first and second side edges of the platform, wherein the posts of the applicator tip are adapted to be removably inserted into receivers (Figure 6, grooves 35) in the housing to removably secure the applicator tip to the housing.

As to Claim 13, Huthmacher discloses an applicator tip wherein the first curved wall and the second curved wall includes at least one projecting surface (Figure 6, flange segments 8g1 and 8g2) adapted to bear against the inside of the housing (Figure 6, grooves 35, cross walls 36).

As to Claim 16, Huthmacher discloses an applicator tip wherein the platform is an integral plate (Figure 7, spatula 8d).

4. Claims 1, 3, 7, 8, 16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Stevens (US 5,393,368). As to Claim 1, Stevens discloses an applicator tip (Figure 6, tip member 5) adapted to be disposed in a housing (Figure 6, case 1) of a corrective tape dispenser,

the applicator tip comprising a platform (Figure 11, tip 10) with a front edge, a rear edge, a first side edge, a second side edge, a top surface and a bottom surface, wherein the top surface, bottom surface and front edge are adapted to support a carrier ribbon (Figure 6, tape 4); a first curved wall extending up from a portion of the first side edge of the platform and curving substantially over the platform; and a second curved wall extending up from a portion of the second side edge of the platform and curving substantially over the platform (Figure 11, L-shaped projections 30).

As to Claim 3, Stevens discloses an applicator tip wherein the first curved wall tangent to a plane that is perpendicular to the platform and intersects the first side edge (Figure 11, tip 10, L-shaped projections 30).

As to Claim 7, Stevens discloses an applicator tip further including a third curved wall extending down along a portion of the first side edge of the platform, wherein the third curved wall curves substantially over the platform, and a fourth curved wall extending down along a portion second side edge of the platform, wherein the fourth curved wall curves substantially over the platform (Figure 11, L-shaped projections 30; column 4, lines 1-6).

As to Claim 8, Stevens discloses an applicator tip wherein the third curved wall is tangent to a plane that is perpendicular to the platform and intersects the first side edge (Figure 11, L-shaped projections 30).

As to Claim 16, Stevens discloses an applicator tip wherein the platform is an integral plate (Figure 6, tip member 5; column 3, line 39).

As to Claim 17, Stevens discloses a transfer tape dispenser comprising a housing (Figure 1, case 1); a supply spool (Figure 1, supply spool 2) disposed within the housing; a take-up spool (Figure 1, take-up spool 3) disposed within the housing; a carrier ribbon (Figure 1, tape 4) with a

first end and a second end, wherein the first end is connected to the supply spool, and the second end is connected to the take-up spool; an applicator tip (Figure 1, tip member 5) partially disposed within the housing and including a platform (Figure 1, tip 10) with a front edge, a rear edge, a first side edge, a second side edge, a top surface and a bottom surface; wherein the carrier ribbon is disposed on the top surface of the platform, around the front edge between its first end and second end, and on the bottom surface of the platform; and wherein a first curved wall extends up from a portion of the first side edge of the platform and curves substantially over the carrier ribbon, and wherein a second curved wall extends up from a portion of the second side edge of the platform and curves substantially over the carrier ribbon (Figure 11, L-shaped projections 30).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 3, 7, 8, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens (US 5,393,368) in view of Kozaki (US 6,363,990). Stevens discloses an applicator tip (Figure 6, tip member 5) adapted to be disposed in a housing (Figure 6, case 1) of a corrective tape dispenser, the applicator tip comprising a platform (Figure 11, tip 10) with a front edge, a rear edge, a first side edge, a second side edge, a top surface and a bottom surface, wherein the top surface, bottom surface and front edge are adapted to support a carrier ribbon (Figure 6, tape

4); a first curved wall extending up from a portion of the first side edge of the platform and curving substantially over the platform; and a second curved wall extending up from a portion of the second side edge of the platform and curving substantially over the platform (Figure 11, L-shaped projections 30).

As to Claim 2, Stevens does not disclose an applicator tip wherein the applicator tip includes means for allowing rotation of the platform within the housing. Kozaki discloses an applicator tip having a platform wherein the applicator tip includes means for allowing rotation of the platform within the housing to maintain a parallel relationship between the applicator tip and the surface to which the film is to be transferred regardless of the orientation of the case (Figures 10a and 10b; column 1, lines 26-30; column 6, lines 41-51). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the platform of Stevens to include means for allowing rotation of the platform within the housing as suggested by Kozaki to maintain a parallel relationship between the applicator tip and the surface to which the film is to be transferred regardless of the orientation of the case.

As to Claim 3, Stevens discloses an applicator tip wherein the first curved wall tangent to a plane that is perpendicular to the platform and intersects the first side edge (Figure 11, tip 10, L-shaped projections 30).

As to Claim 7, Stevens discloses an applicator tip further including a third curved wall extending down along a portion of the first side edge of the platform, wherein the third curved wall curves substantially over the platform, and a fourth curved wall extending down along a portion second side edge of the platform, wherein the fourth curved wall curves substantially over the platform (Figure 11, L-shaped projections 30; column 4, lines 1-6).

As to Claim 8, Stevens discloses an applicator tip wherein the third curved wall is tangent to a plane that is perpendicular to the platform and intersects the first side edge (Figure 11, L-shaped projections 30).

As to Claim 16, Stevens discloses an applicator tip wherein the platform is an integral plate (Figure 6, tip member 5; column 3, line 39).

As to Claim 17, Stevens discloses a transfer tape dispenser comprising a housing (Figure 1, case 1); a supply spool (Figure 1, supply spool 2) disposed within the housing; a take-up spool (Figure 1, take-up spool 3) disposed within the housing; a carrier ribbon (Figure 1, tape 4) with a first end and a second end, wherein the first end is connected to the supply spool, and the second end is connected to the take-up spool; an applicator tip (Figure 1, tip member 5) partially disposed within the housing and including a platform (Figure 1, tip 10) with a front edge, a rear edge, a first side edge, a second side edge, a top surface and a bottom surface; wherein the carrier ribbon is disposed on the top surface of the platform, around the front edge between its first end and second end, and on the bottom surface of the platform; and wherein a first curved wall extends up from a portion of the first side edge of the platform and curves substantially over the carrier ribbon, and wherein a second curved wall extends up from a portion of the second side edge of the platform and curves substantially over the carrier ribbon (Figure 11, L-shaped projections 30).

7. Claims 1, 3, 4, 5, 7-10, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens (US 5,393,368) in view of Stevens et al. (US 5,820,728). As to Claim 1, Stevens discloses an applicator tip (Figure 6, tip member 5) adapted to be disposed in a housing (Figure 6, case 1) of a corrective tape dispenser, the applicator tip comprising a platform

(Figure 11, tip 10) with a front edge, a rear edge, a first side edge, a second side edge, a top surface and a bottom surface, wherein the top surface, bottom surface and front edge are adapted to support a carrier ribbon (Figure 6, tape 4); a first curved wall extending up from a portion of the first side edge of the platform and curving substantially over the platform; and a second curved wall extending up from a portion of the second side edge of the platform and curving substantially over the platform (Figure 11, L-shaped projections 30).

As to Claim 3, Stevens discloses an applicator tip wherein the first curved wall tangent to a plane that is perpendicular to the platform and intersects the first side edge (Figure 11, tip 10, L-shaped projections 30).

As to Claim 4, Stevens discloses an applicator tip which may include various configurations for the first curved wall and the second curved wall (Figures 8-15), but is silent as to an applicator tip wherein the first curved wall and the second curved wall form a portion of a cylinder. Stevens et al. discloses an applicator tip which includes a curved wall which forms a portion of a cylinder (Figures 2a and 2b, support ring 6). It would have been readily apparent to one of ordinary skill in the art at the time of the invention that the configurations of the curved walls disclosed by Stevens are exemplary and that curved walls in the form of cylindrical segments would be functionally equivalent to the other configurations. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the first curved wall and the second curved wall of Stevens to form a portion of a cylinder as suggested by Stevens et al. as a matter of design choice.

As to Claim 5, the references as combined (see Stevens) discloses an applicator tip wherein the first curved wall and the second curved wall (Figure 11, L-shaped projections 30) define a slot (Figure 11, slot 31), but is silent as to the slot being wider near the front edge than

the rear edge. Stevens discloses that the slot is utilized to provide a location for introduction the tape (column 5, lines 52-57). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the slot disclosed by the references as combined to be wider at one end, e.g. wider near the front edge than the rear edge, to provide an inlet for facilitating the introduction and/or removal of the tape to or from the applicator tip.

As to Claim 7, Stevens discloses an applicator tip further including a third curved wall extending down along a portion of the first side edge of the platform, wherein the third curved wall curves substantially over the platform, and a fourth curved wall extending down along a portion second side edge of the platform, wherein the fourth curved wall curves substantially over the platform (Figure 11, L-shaped projections 30; column 4, lines 1-6).

As to Claim 8, Stevens discloses an applicator tip wherein the third curved wall is tangent to a plane that is perpendicular to the platform and intersects the first side edge (Figure 11, L-shaped projections 30).

As to Claim 9, Stevens discloses an applicator tip which may include various configurations for the third and fourth curved walls (Figures 8-15), but is silent as to an applicator tip wherein the third and fourth curved walls form a portion of a cylinder. Stevens et al. discloses an applicator tip which includes a curved wall which forms a portion of a cylinder (Figures 2a and 2b, support ring 6). It would have been readily apparent to one of ordinary skill in the art at the time of the invention that the configurations of the curved walls disclosed by Stevens are exemplary and that curved walls in the form of cylindrical segments would be functionally equivalent to the other configurations. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the third curved wall and the

fourth curved wall of Stevens to form a portion of a cylinder as suggested by Stevens et al. as a matter of design choice.

As to Claim 10, the references as combined (see Stevens) discloses an applicator tip wherein the third curved wall and the fourth curved wall (Figure 11, L-shaped projections 30) define a slot in the cylinder (Figure 11, slot 31), but is silent as to the slot being wider near the front edge than the rear edge. Stevens discloses that the slot is utilized to provide a location for introduction the tape. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the slot disclosed by the references as combined to be wider at one end, e.g. wider near the front edge than the rear edge, to provide an inlet for facilitating the introduction and/or removal of the tape to or from the applicator tip.

As to Claim 16, Stevens discloses an applicator tip wherein the platform is an integral plate (Figure 6, tip member 5; column 3, line 39).

As to Claim 17, Stevens discloses a transfer tape dispenser comprising a housing (Figure 1, case 1); a supply spool (Figure 1, supply spool 2) disposed within the housing; a take-up spool (Figure 1, take-up spool 3) disposed within the housing; a carrier ribbon (Figure 1, tape 4) with a first end and a second end, wherein the first end is connected to the supply spool, and the second end is connected to the take-up spool; an applicator tip (Figure 1, tip member 5) partially disposed within the housing and including a platform (Figure 1, tip 10) with a front edge, a rear edge, a first side edge, a second side edge, a top surface and a bottom surface; wherein the carrier ribbon is disposed on the top surface of the platform, around the front edge between its first end and second end, and on the bottom surface of the platform; and wherein a first curved wall extends up from a portion of the first side edge of the platform and curves substantially over the carrier ribbon, and wherein a second curved wall extends up from a portion of the second side

edge of the platform and curves substantially over the carrier ribbon (Figure 11, L-shaped projections 30).

8. Claims 1, 3, 6-8, 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens (US 5,393,368) in view of Huthmacher (US 6,729,377). As to Claim 1, Stevens discloses an applicator tip (Figure 6, tip member 5) adapted to be disposed in a housing (Figure 6, case 1) of a corrective tape dispenser, the applicator tip comprising a platform (Figure 11, tip 10) with a front edge, a rear edge, a first side edge, a second side edge, a top surface and a bottom surface, wherein the top surface, bottom surface and front edge are adapted to support a carrier ribbon (Figure 6, tape 4); a first curved wall extending up from a portion of the first side edge of the platform and curving substantially over the platform; and a second curved wall extending up from a portion of the second side edge of the platform and curving substantially over the platform (Figure 11, L-shaped projections 30).

As to Claim 3, Stevens discloses an applicator tip wherein the first curved wall tangent to a plane that is perpendicular to the platform and intersects the first side edge (Figure 11, tip 10, L-shaped projections 30).

As to Claim 6, Stevens does not disclose an applicator tip wherein the applicator tip includes posts extending laterally from the first and second side edges of the platform, wherein the posts of the applicator tip are adapted to be removably inserted into receivers in the housing to removably secure the applicator tip to the housing. Huthmacher discloses an applicator tip (Figure 6, application member 8) wherein the applicator tip includes posts (Figure 6, flange segments 8g1 and 8g2) extending laterally from the first and second side edges of the platform, wherein the posts of the applicator tip are adapted to be removably inserted into receivers (Figure

6, grooves 35) in the housing to removably secure the applicator tip to the housing. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the application tip of Stevens to include posts extending laterally from the first and second side edges of the platform, wherein the posts of the applicator tip are adapted to be removably inserted into receivers in the housing as suggested by Huthmacher to removably secure the applicator tip to the housing.

As to Claim 7, Stevens discloses an applicator tip further including a third curved wall extending down along a portion of the first side edge of the platform, wherein the third curved wall curves substantially over the platform, and a fourth curved wall extending down along a portion second side edge of the platform, wherein the fourth curved wall curves substantially over the platform (Figure 11, L-shaped projections 30; column 4, lines 1-6).

As to Claim 8, Stevens discloses an applicator tip wherein the third curved wall is tangent to a plane that is perpendicular to the platform and intersects the first side edge (Figure 11, L-shaped projections 30).

As to Claim 16, Stevens discloses an applicator tip wherein the platform is an integral plate (Figure 6, tip member 5; column 3, line 39).

As to Claim 17, Stevens discloses a transfer tape dispenser comprising a housing (Figure 1, case 1); a supply spool (Figure 1, supply spool 2) disposed within the housing; a take-up spool (Figure 1, take-up spool 3) disposed within the housing; a carrier ribbon (Figure 1, tape 4) with a first end and a second end, wherein the first end is connected to the supply spool, and the second end is connected to the take-up spool; an applicator tip (Figure 1, tip member 5) partially disposed within the housing and including a platform (Figure 1, tip 10) with a front edge, a rear edge, a first side edge, a second side edge, a top surface and a bottom surface; wherein the carrier

ribbon is disposed on the top surface of the platform, around the front edge between its first end and second end, and on the bottom surface of the platform; and wherein a first curved wall extends up from a portion of the first side edge of the platform and curves substantially over the carrier ribbon, and wherein a second curved wall extends up from a portion of the second side edge of the platform and curves substantially over the carrier ribbon (Figure 11, L-shaped projections 30).

As to Claim 18, Stevens discloses a transfer tape dispenser wherein the first and second curved walls (Figure 11, L-shaped projections 3) are disposed outside the housing, does not disclose a transfer tape dispenser wherein a portion of the first and second curved walls are disposed inside the housing and a portion of the first and second curves walls are disposed outside the housing. Huthmacher discloses a transfer tape dispenser which includes first and second curved walls which are disposed inside the housing to cooperate with bearing surfaces inside the housing for maintaining the position of the applicator tip during use (Figure 6, flange segments 8g1 and 8g2, grooves 35, cross walls 36). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the transfer tape dispenser of Stevens to include disposing a portion of the first and second curved walls inside the housing to maintain the position of the applicator tip during use as suggested by Huthmacher.

As to Claim 21, Stevens does not disclose an applicator tip wherein the applicator tip includes posts extending laterally from the first and second side edges of the platform, wherein the posts of the applicator tip are adapted to be removably inserted into receivers in the housing to removably secure the applicator tip to the housing. Huthmacher discloses an applicator tip (Figure 6, application member 8) wherein the applicator tip includes posts (Figure 6, flange segments 8g1 and 8g2) extending laterally from the first and second side edges of the platform,

wherein the posts of the applicator tip are adapted to be removably inserted into receivers (Figure 6, grooves 35) in the housing to removably secure the applicator tip to the housing. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the application tip of Stevens to include posts extending laterally from the first and second side edges of the platform, wherein the posts of the applicator tip are adapted to be removably inserted into receivers in the housing as suggested by Huthmacher to removably secure the applicator tip to the housing.

9. Claims 1, 3, 7, 8, 11, 12, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens in view of Kozaki (US 6,363,990) and Huthmacher (US 6,729,377). As to Claim 1, Stevens discloses an applicator tip (Figure 6, tip member 5) adapted to be disposed in a housing (Figure 6, case 1) of a corrective tape dispenser, the applicator tip comprising a platform (Figure 11, tip 10) with a front edge, a rear edge, a first side edge, a second side edge, a top surface and a bottom surface, wherein the top surface, bottom surface and front edge are adapted to support a carrier ribbon (Figure 6, tape 4); a first curved wall extending up from a portion of the first side edge of the platform and curving substantially over the platform; and a second curved wall extending up from a portion of the second side edge of the platform and curving substantially over the platform (Figure 11, L-shaped projections 30).

As to Claim 3, Stevens discloses an applicator tip wherein the first curved wall tangent to a plane that is perpendicular to the platform and intersects the first side edge (Figure 11, tip 10, L-shaped projections 30).

As to Claim 7, Stevens discloses an applicator tip further including a third curved wall extending down along a portion of the first side edge of the platform, wherein the third curved

wall curves substantially over the platform, and a fourth curved wall extending down along a portion second side edge of the platform, wherein the fourth curved wall curves substantially over the platform (Figure 11, L-shaped projections 30; column 4, lines 1-6).

As to Claim 8, Stevens discloses an applicator tip wherein the third curved wall is tangent to a plane that is perpendicular to the platform and intersects the first side edge (Figure 11, L-shaped projections 30).

As to Claims 11 and 12, Stevens does not disclose an applicator tip wherein the third curved wall and the fourth curved wall are set back from the front edge, and the first curved wall and the second curved wall are adjacent to the front edge. It is well known and conventional in the tape dispenser art, as disclosed by Kozaki (Figure 6, guides G) and Huthmacher (Figure 5, guiding webs 17), to provide tape guides which are set back from the front edge or adjacent to the front edge. It would have been readily apparent to one of ordinary skill in the art that both orientations are functionally equivalent for retaining and guiding the carrier tape. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the applicator tip of Stevens as a matter of design choice to include placement of the first and second curved walls adjacent the front edge as suggested by Huthmacher and placement of the third and fourth curved walls set back from the front edge as suggested by Kozaki.

As to Claim 16, Stevens discloses an applicator tip wherein the platform is an integral plate (Figure 6, tip member 5; column 3, line 39).

As to Claim 17, Stevens discloses a transfer tape dispenser comprising a housing (Figure 1, case 1); a supply spool (Figure 1, supply spool 2) disposed within the housing; a take-up spool (Figure 1, take-up spool 3) disposed within the housing; a carrier ribbon (Figure 1, tape 4) with a first end and a second end, wherein the first end is connected to the supply spool, and the second

end is connected to the take-up spool; an applicator tip (Figure 1, tip member 5) partially disposed within the housing and including a platform (Figure 1, tip 10) with a front edge, a rear edge, a first side edge, a second side edge, a top surface and a bottom surface; wherein the carrier ribbon is disposed on the top surface of the platform, around the front edge between its first end and second end, and on the bottom surface of the platform; and wherein a first curved wall extends up from a portion of the first side edge of the platform and curves substantially over the carrier ribbon, and wherein a second curved wall extends up from a portion of the second side edge of the platform and curves substantially over the carrier ribbon (Figure 11, L-shaped projections 30).

10. Claims 1, 3, 7, 8, 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens (US 5,393,368) in view of Manusch et al. (US 6,105,650). As to Claim 1, Stevens discloses an applicator tip (Figure 6, tip member 5) adapted to be disposed in a housing (Figure 6, case 1) of a corrective tape dispenser, the applicator tip comprising a platform (Figure 11, tip 10) with a front edge, a rear edge, a first side edge, a second side edge, a top surface and a bottom surface, wherein the top surface, bottom surface and front edge are adapted to support a carrier ribbon (Figure 6, tape 4); a first curved wall extending up from a portion of the first side edge of the platform and curving substantially over the platform; and a second curved wall extending up from a portion of the second side edge of the platform and curving substantially over the platform (Figure 11, L-shaped projections 30).

As to Claim 3, Stevens discloses an applicator tip wherein the first curved wall tangent to a plane that is perpendicular to the platform and intersects the first side edge (Figure 11, tip 10, L-shaped projections 30).

As to Claim 7, Stevens discloses an applicator tip further including a third curved wall extending down along a portion of the first side edge of the platform, wherein the third curved wall curves substantially over the platform, and a fourth curved wall extending down along a portion second side edge of the platform, wherein the fourth curved wall curves substantially over the platform (Figure 11, L-shaped projections 30; column 4, lines 1-6).

As to Claim 8, Stevens discloses an applicator tip wherein the third curved wall is tangent to a plane that is perpendicular to the platform and intersects the first side edge (Figure 11, L-shaped projections 30).

As to Claim 14, Stevens does not disclose an applicator tip wherein the platform includes a slot disposed lengthwise, the slot defining a first leg and a second leg of the platform.

Manusch et al. discloses an applicator tip (Figure 1, application foot 3) wherein the platform includes a slot (Figure 1, slot 17) disposed lengthwise, the slot defining a first leg (Figure 1, application toe 4a) and a second leg (Figure 1, application toe 4b) of the platform to allow the tape dispenser to operate effectively in either a pull or push mode. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the platform of Stevens to include a slot disposed lengthwise, the slot defining a first leg and a second leg of the platform as suggested by Manusch et al. to allow the tape dispenser to operate effectively in either a pull or push mode.

As to Claim 15, the references as combined do not disclose an applicator tip wherein the first leg and the second leg have a plurality of notches disposed therein along the slot. It is well known and conventional in the apparatus arts to utilize laterally spaced notches or grooves to provide a substrate with increased flexibility. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the legs of the applicator tip of the

references as combined to include a plurality of notches disposed therein along the slot; the use of laterally spaced notches or grooves being well established in the art for providing a substrate with increased flexibility.

As to Claim 16, Stevens discloses an applicator tip wherein the platform is an integral plate (Figure 6, tip member 5; column 3, line 39).

As to Claim 17, Stevens discloses a transfer tape dispenser comprising a housing (Figure 1, case 1); a supply spool (Figure 1, supply spool 2) disposed within the housing; a take-up spool (Figure 1, take-up spool 3) disposed within the housing; a carrier ribbon (Figure 1, tape 4) with a first end and a second end, wherein the first end is connected to the supply spool, and the second end is connected to the take-up spool; an applicator tip (Figure 1, tip member 5) partially disposed within the housing and including a platform (Figure 1, tip 10) with a front edge, a rear edge, a first side edge, a second side edge, a top surface and a bottom surface; wherein the carrier ribbon is disposed on the top surface of the platform, around the front edge between its first end and second end, and on the bottom surface of the platform; and wherein a first curved wall extends up from a portion of the first side edge of the platform and curves substantially over the carrier ribbon, and wherein a second curved wall extends up from a portion of the second side edge of the platform and curves substantially over the carrier ribbon (Figure 11, L-shaped projections 30).

11. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens (US 5,393,368) in view of Huthmacher (US 6,729,377) as applied to claim 18 above, and further in view of Kozaki (US 6,363,990). Stevens does not disclose an applicator tip wherein the applicator tip includes means for allowing rotation of the platform within the housing. Kozaki

discloses an applicator tip having a platform wherein the applicator tip includes means for allowing rotation of the platform within the housing to maintain a parallel relationship between the applicator tip and the surface to which the film is to be transferred regardless of the orientation of the case (Figures 10a and 10b; column 1, lines 26-30; column 6, lines 41-51). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the platform of Stevens to include means for allowing rotation of the platform within the housing as suggested by Kozaki to maintain a parallel relationship between the applicator tip and the surface to which the film is to be transferred regardless of the orientation of the case.

As to Claim 20, the references as combined (see Stevens) disclose a transfer tape dispenser wherein the applicator tip extends through a circular opening in the housing (Figure 6, case 1, tip member 5). When modifying the transfer tape dispenser of the references as combined as noted above to include rotation means, the applicator tip would be rotatable within the housing.

### ***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl N Hawkins whose telephone number is (571) 272-1229. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher A Fiorilla can be reached on (517) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Cheryl N. Hawkins 7/9/04*

Cheryl N. Hawkins  
July 9, 2004

*ca*

CHRISTOPHER A. FIORILLA  
~~PRIMARY EXAMINER~~  
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